

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-421

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 11, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend Chapter 46 of Title 47 of the District of Columbia Official Code to provide an abatement of real property taxes on real property owned by National Public Radio, Inc.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Public Radio Real Property Tax Abatement Act of 2008".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

Note,
§ 47-4615

(a) The table of contents is amended by adding a new section designation to read as follows:

"§ 47-4615. Abatement of real property taxes for National Public Radio, Inc."

(b) A new section 47-4615 is added to read as follows:

"§ 47-4615. Abatement of real property taxes for National Public Radio, Inc.

"(a) The real property taxes to be imposed with respect to the real property identified in the tax records of the District of Columbia, as of the effective date of this section, as Square 673, Lot 837, and any improvements thereto, shall be abated in any amount in excess of the amount of the real property taxes imposed on the property for tax year 2008, but only until the 1st tax year beginning after the 20th anniversary of the issuance of the final certificate of occupancy for the headquarters building of National Public Radio, Inc., on such real property.

"(b) Any increase in the real property taxes and vault fees imposed on Square W-484 shall be limited to an annual increase of no more than 3% from the effective date of this section until the earlier of the following:

"(1) The date that National Public Radio, Inc., entirely vacates the building located on Square W-484;

"(2) The date that the building located on Square W-484 is leased to a majority tenant other than National Public Radio, Inc.; or

"(3) December 31, 2013."

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Sec. 3. Applicability.

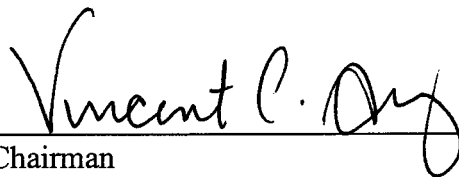
This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

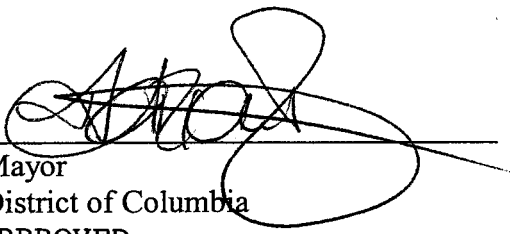
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 11, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-422

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 16, 2008

To amend, on an emergency basis, the Firearms Control Regulations Act of 1975 to provide for a registration process for pistols for use in self-defense within the home, to authorize the Chief of the Metropolitan Police Department to require a ballistics identification procedure for registered pistols, to set a one pistol registration per person policy for a period of 90 days after the effective date of this act, to clarify the firearm storage requirements and to include an exemption from those requirements for the use of a firearm for self-defense in the registered owner's home, and to provide that a registered pistol owner shall not be required to obtain a license to carry the pistol within the registered pistol owner's home.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Firearms Control Emergency Amendment Act of 2008".

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 7-2502.02) is amended as follows:

(1) Subsection (a)(4) is amended to read as follows

"(4) Pistol not validly registered to the current registrant in the District prior to September 24, 1976, except that the prohibition on registering a pistol shall not apply to:

"(A) Any organization that employs at least one commissioned special police officer or other employee licensed to carry a firearm and that arms the employee with a firearm during the employee's duty hours;

"(B) A police officer who has retired from the Metropolitan Police Department; or

"(C) Any person who seeks to register a pistol for use in self-defense within that person's home."

(2) Subsection (b) is repealed.

(3) A new subsection (c) is added to read as follows:

"(c) Notwithstanding any other law, a person holding a valid registration for a pistol registered in accordance with subsection (a)(4) of this section shall not be required to obtain a license to carry the pistol within the person's home."

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(b) Section 203 (D.C. Official Code § 7-2502.03) is amended by adding new subsections (d) and (e) to read as follows:

“(d) The Chief shall require any registered pistol to be submitted for a ballistics identification procedure and shall establish a fee for such procedure.

“(e) The Chief shall register no more than one pistol per registrant during the first 90 days after the effective date of the Firearms Control Emergency Amendment Act of 2008, passed on emergency basis on July 15, 2008 (Enrolled version of Bill 17-886).”.

(c) Section 702 (D.C. Official Code § 7-2507.02) is amended to read as follows:

“Sec. 702. Each registrant shall keep any firearm in his or her possession unloaded and either disassembled or secured by a trigger lock, gun safe, or similar device, except that this requirement shall not apply to:

“(1) Law enforcement personnel described in section 201(b)(1);

“(2) A firearm that is kept at the registrant’s place of business and not the registrant’s home;

“(3) A firearm while it is being used to protect against a reasonably perceived threat of immediate harm to a person within the registrant’s home;

“(4) A firearm while it is being used outside of the home for lawful recreational purposes; or

“(5) A firearm while it is being transported for a lawful purpose as expressly authorized by District or federal statute and in accordance with the requirements of that statute.”.

Sec. 3. Fiscal impact statement.

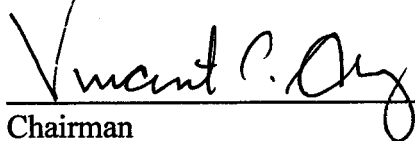
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1974 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code §1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-423

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008

To approve, on an emergency basis, a request for authorization for payment to StandardsWork, Inc., for curriculum-development services provided to the District of Columbia Public Schools without a valid written contract, and to authorize payment to StandardsWork, Inc., in the amount of \$305,383.52.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "StandardsWork, Inc., Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 105(d)(5)(F)(ii) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.05(d)(5)(F)(ii)), the Council approves the request for authorization for payment and authorizes the District of Columbia Public Schools to pay StandardsWork, Inc., \$305,383.52 for curriculum-development services received from October 1, 2006, through December 20, 2006, which were provided without the benefit of a valid written contract.

Sec. 3. Fiscal impact statement.

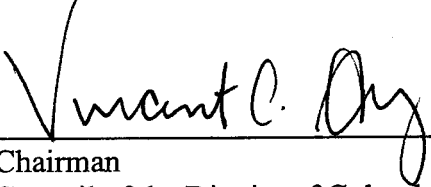
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

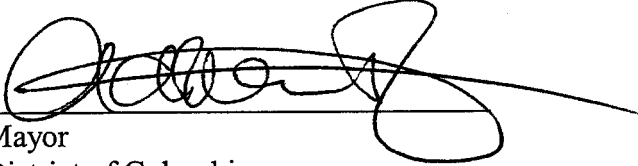
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of

ENROLLED ORIGINAL

Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-424

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to increase the pay levels for the Executive Schedule for subordinate agency head positions from 5 to 7, and to approve the proposed compensation system change submitted by the Mayor regarding the salary of the Director of the Office of Public Education Facilities Modernization Allen Lew.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Director of the Office of Public Education Facilities Modernization Allen Lew Compensation System Change and Pay Schedule Emergency Amendment Act of 2008".

Sec. 2. Section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52), is amended as follows:

Note,
§ 1-610.52

(1) Subsection (a) is amended by striking the number "5" and inserting the number "7" in its place.

(2) Subsection (b) is amended to read as follows:

"(b)(1) The Mayor shall designate the appropriate pay level for each subordinate agency head position based on market analyses and other relevant criteria; provided, that any salary on the E6 or E7 pay grade shall be submitted to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed salary within the 45-day period, the proposed salary shall be deemed disapproved.

"(2) Notwithstanding paragraph (1) of this subsection, Council approval is not required for the salary for Allen Lew as the Director of the Office of Public Education Facilities Modernization, upon the expiration of the Executive Service Compensation System Change and Pay Schedule Temporary Amendment Act of 2007, effective November 24, 2007 (D.C. Law 17-56; 54 DCR 10034)."

ENROLLED ORIGINAL

Sec. 3. Pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52), the Council approves the proposed compensation system changes recommended by the Mayor to the Executive Schedule for subordinate agency head positions to add the rates of pay for newly established pay grades E6 and E7, which were transmitted to the Council by the Mayor on June 30, 2008, and which provide as follows:

District of Columbia Salary Schedule:

Executive Schedule



Fiscal Year:	2008/2009	Service Code Definition:	Executive Schedule
Effective Date:	07/01/08	Affected CBU/Service Code(s):	XXX A87
Percentage Increase:	0%		
Union/Non-union:	Non-union		
Pay Plan Schedule:	DX		
Peoplesoft Plan:	DX0000		
 Resolution Number:			
 Date of Resolution:			

Grade	Min	Mid	Max
E1	\$85,284	\$106,605	\$127,926
E2	\$92,746	\$115,901	\$139,056
E3	\$100,848	\$125,964	\$151,081
E4	\$109,590	\$136,859	\$164,129
E5	\$118,651	\$148,874	\$179,096
E6*	\$148,000	\$186,500	\$225,000
E7*	\$185,000	\$232,450	\$279,900

* Proposed new range - positions to be allocated

ENROLLED ORIGINAL

Sec. 4. Applicability date.

The compensation system changes approved in section 3 shall be applicable as of July 6, 2008.

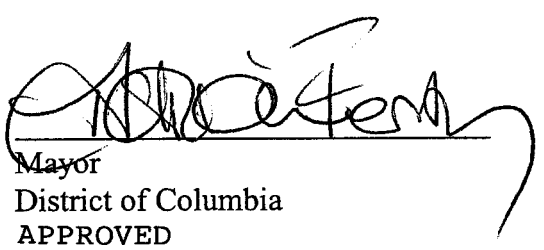
Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-425

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008*Codification
District of
Columbia
Official Code*

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2008 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, the Recreation Act of 2004 to authorize the Recreation Enterprise Fund to be used to purchase food, snacks, and non-alcoholic beverages for the general public, Department of Parks and Recreation program participants, and District government employees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Recreation Enterprise Fund Emergency Amendment Act of 2008".

Sec. 2. Section 4(b) of the Recreation Act of 2004, effective January 13, 1995 (D.C. Law 10-246; D.C. Official Code § 10-303(b)), is amended as follows:

Note,
§ 10-303

(a) Designate the existing language as paragraph (1).

(b) A new paragraph (2) is added to read as follows:

"(2) Proceeds from the Recreation Enterprise Fund may be used to purchase food, snacks, and non-alcoholic beverages for the general public, Department of Parks and Recreation program participants, and District government employees."

Sec. 3. Fiscal impact statement.

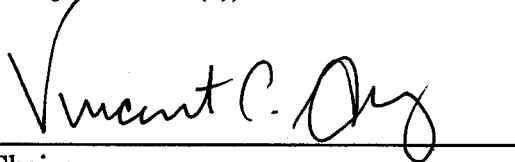
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

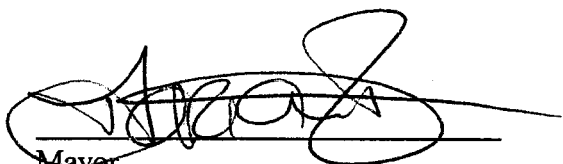
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-426

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, the Dedication and Designation of Portions of New Jersey Avenue, S.E., 4th Street, S.E., and Tingey Street, S.E., S.O. 03-1420, Act of 2004 to correct an error in the description of the area included within the Tingey Street, S.E. right-of-way so as to exclude a portion of land located under the historic building known as Building 160 from the right-of-way, and to require the Office of the Surveyor to amend its records to reflect the correction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tingey Street, S.E. Right-of-Way Emergency Amendment Act of 2008".

Sec. 2. The Dedication and Designation of Portions of New Jersey Avenue, S.E., 4th Street, S.E., and Tingey Street, S.E., S.O. 03-1420, Act of 2004, effective April 8, 2005 (D.C. Law 15-310; 52 DCR 1720) ("2004 Act"), is amended as follows:

(a) Section 2 (D.C. Official Code § 9-203.02, note) is amended as follows:

(1) Subsection (a)(1) is amended by striking the phrase "provided, that" and inserting the phrase "provided, that the dedication of land, in fee, for street purposes of Tingey Street shall exclude the land that is located under the existing historic building known as Building 160, consisting of approximately 2,577 square feet, as such land is depicted on a certain survey, prepared by AMT, LLC, to mark and map ("excluded land") and recorded in the records of the Office of the Surveyor on February 25, 2008, as Map RS-126 and prepared in conjunction with a plat in Survey Book 1000 at page 203 and also known as Map No. RS-126; and, provided further, that" in its place.

(2) A new subsection (c) is added to read as follows:

"(c) Upon the effective date of the Tingey Street, S.E. Right-of-Way Emergency Amendment Act of 2008, passed on emergency basis on July 1, 2008 (Enrolled version of Bill 17-830), the excluded land, as described in subsection (a)(1) of this section, shall revert to and be vested in the United States of America, acting by and through the Administrator of the General Services Administration."

Note,
§ 9-203.02

ENROLLED ORIGINAL

(b) Section 5 is amended as follows:

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b) The plat entitled “Public Streets Dedicated and Easement Established, Square 770” and recorded in Subdivision Book 202 at page 26 among the records of the Office of the Surveyor (“Office”), filed under S.O. 03-1420, shall be amended by the Surveyor to reflect the excluded land within Tingey Street described in subsection (a)(1) of this section. The Surveyor shall correct any other plats or surveys in the Office’s records considered necessary by the Surveyor to reflect the excluded land.”.

Sec. 3. Transmittal.

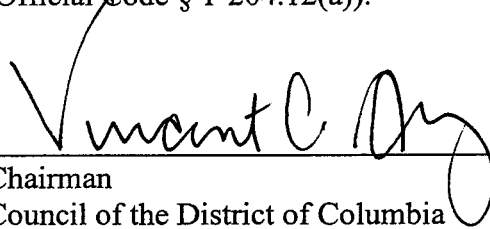
The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Mayor, the Office of the Surveyor, the Office of Planning, the Building and Land Regulation Administration of the Department of Consumer and Regulatory Affairs, and the Office of the Recorder of Deeds.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the 2004 Act as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman

Council of the District of Columbia


Mayor

District of Columbia

APPROVED

July 16, 2008

Continuation District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-427

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, the Vending Regulation Temporary Act of 2008 to expand vending opportunities in and around the Baseball Stadium, within the Capitol Riverfront Vending Development Zone, and to clarify that historic Robert F. Kennedy Memorial Stadium vendors shall be entitled to vend within the development zone.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Expanding Opportunities for Street Vending Around the Baseball Stadium Clarifying Emergency Amendment Act of 2008".

Sec. 2. Section 6 of the Vending Regulation Temporary Act of 2008, effective June 5, 2008 (D.C. Law 17-172; 55 DCR 5377), is amended by adding a new subsection (c-1) to read as follows:

"(c-1)(1) No later than July 21, 2008, the Mayor shall establish 14 additional vendor locations to be added to the 28 currently identified to increase the number of viable sites to 42 to adhere to the requirements of subsection (c) of this section.

"(2) No later than July 21, 2008, the Mayor shall hold a lottery for the 14 additional vending locations and those vendors selected shall be assigned vending locations, as specifically herein provided, for the duration of the 2008 baseball season.

"(3) The 14 sites assigned pursuant to paragraph (2) of this subsection shall be located as follows:

"(A) 2 sites on First Street, S.E., between N Street, S.E., and N Place, S.E. (Eastside);

"(B) 2 sites on First Street, S.E., between N Place, S.E., and O Street, S.E. (Eastside);

"(C) 7 sites on Half Street, S.E., between M Street, S.E., and N Street, S.E. (Westside); and

"(D) 3 sites on N Street, S.E., between Half Street, S.E., and Van Street, S.E. (Northside)."

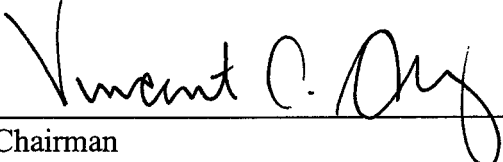
ENROLLED ORIGINAL

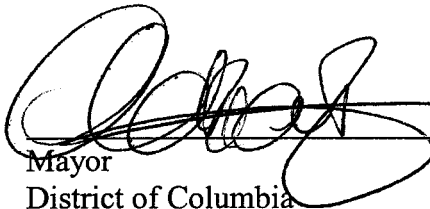
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-428

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, the Performance Parking Pilot Zone Emergency Act of 2008 to change the boundaries of the late night Adams Morgan taxicab zone and provide flexibility regarding the number and placement of taxicab stands.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adams Morgan Taxicab Zone Emergency Amendment Act of 2008".

Sec. 2. Section 7 of the Performance Parking Pilot Zone Temporary Act of 2008, effective April 14, 2008 (D.C. Law 17-170; 55 DCR 5185), is amended as follows:

(a) Subsection (a) is amended to read as follows:

"(a) The Mayor shall establish a taxicab zone in Adams Morgan by July 15, 2008, which shall include the following areas:

"(1) The width of 18th Street, N.W. from the intersection of 18th Street, N.W., and Wyoming Avenue, N.W., to the intersection of 18th Street, N.W., and Columbia Road, N.W.; and

"(2) The width of Columbia Road, N.W., from the intersection of Columbia Road, N.W., and Biltmore Street, N.W., to the intersection of Columbia Road, N.W., and Euclid Street, N.W.".

(b) Subsection (f) is amended by striking the phrase "2 taxicab stands within the Adams Morgan taxicab zone." and inserting the phrase "at least one taxicab stand within or adjacent to the Adams Morgan taxicab zone." in its place.

Sec. 3. Fiscal impact statement.

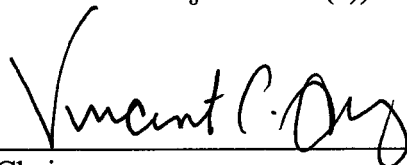
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

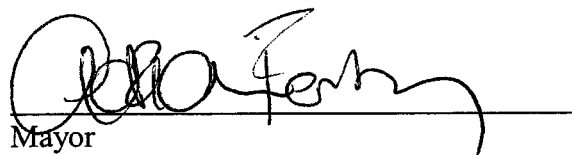
This act shall take effect following approval by the Mayor (or in the event of veto by the

ENROLLED ORIGINAL

Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-429

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008

To approve, on an emergency basis, due to Congressional review, fiscal year 2008 appropriation authority to enable the use of existing Other-Type and local funds, and to place 2008 local funds in nonlapsing accounts for use in fiscal years 2009 and 2010; and to amend the Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008, the Supplemental Appropriations Clarification Release of Funds Emergency Amendment Act of 2008, and the Supplemental Appropriations Clarification Release of Funds Temporary Amendment Act of 2008 to repeal applicability clauses requiring specific reprogrammings before fiscal year 2008 supplemental funds are released.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2008 Other-Type and Local Appropriations Adjustment Congressional Review Emergency Act of 2008".

Sec. 2. Pursuant to section 821 of the Financial Services and General Government Appropriations Act, 2008, approved December 26, 2007 (Pub. L. No. 110-161; 121 Stat. 1844) ("Appropriations Act, 2008"), the Council approves an increase in appropriations as follows:

(1) An increase of \$2.8 million in fiscal year 2008 Other-Type fund appropriations to be allocated to the District Department of Transportation as follows:

(A) An amount of \$300,000 to permit the use of the prior year fund balance available in the Tree Fund, established by section 107 of the Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code § 8-651.07); and

(B) An amount of \$2.5 million to permit the use of certified fiscal year 2008 Circulator Bus farebox revenues in the Metrorail/Metrobus Account, established by section 2 of the Stable and Reliable Source of Revenues for WMATA Act of 1982, effective April 30, 1982 (D.C. Law 4-103; D.C. Official Code § 9-1111.15);

(2) An increase of \$3,891,150 in fiscal year 2008 local fund appropriations to be allocated as follows:

(A) An increase of \$291,150, to remain available until expended, for the Department of Health from the unexpended balance of nonlapsing funds previously deposited in

ENROLLED ORIGINAL

the Health Professional Recruitment Fund, established in section 16a of the Health Professional Recruitment Program Act of 2005, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 7-751.15a);

(B) An increase of \$1.6 million, to remain available until expended, for the Office of Motion Picture and Television Development from the unexpended balance of nonlapsing funds previously deposited in the Film DC Economic Incentive Fund, established in section 2 of the Film DC Incentive Act of 2006, effective March 14, 2007 (D.C. Law 16-290; D.C. Official Code § 39-501); and

(C) An increase of \$2 million, to remain available until expended, for the Department of Education from available nonlapsing funds designated to the Integrated Services Fund in section 5203 of the Integrated Funding and Services for At-Risk Children, Youth, and Families Act of 2006, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 4-1345.02);

(3) An increase of \$4.7 million in fiscal year 2008 dedicated taxes appropriations, to remain available until expended, for the Department of Health from available nonlapsing funds designated to the Healthy DC Fund, established in section 15b of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective March 2, 2007 (D.C. Law 16-192; D.C. Code § 31-3514.02);

(4) An amount of \$13.1 million in nonrecurring local funds to be made available from additional certified fiscal year 2008 local revenues pursuant to section 821 of the Appropriations Act, 2008, to be allocated as follows:

(A) An amount of \$3.1 million in local funds for the Office of Public Education Facilities Modernization for maintenance operating costs; and

(B) An amount of \$10 million in local funds to be placed in a segregated, nonlapsing fund by the Chief Financial Officer. All funds deposited into the fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available without regard to fiscal year limitation, subject to authorization by Congress. No funds shall be transferred from the fund until October 1, 2008, at which time the funds may be used without restriction; and

(5) An amount of \$36.5 million in nonrecurring local funds to be made available from the 2008 operating cash reserve fund, in accordance with section 202(j)(3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Official Code § 47-392.02(j)(3)(B)), as follows:

(A) An amount of \$13,760,000 in local funds to be placed in a segregated, nonlapsing fund by the Chief Financial Officer. All funds deposited into the fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be

ENROLLED ORIGINAL

continually available without regard to fiscal year limitation, subject to authorization by Congress. No funds shall be transferred from the fund until October 1, 2008, at which time the funds may be used without restriction; and

(B) An amount of \$22,740,000 in local funds shall be placed in a segregated, nonlapsing fund by the Chief Financial Officer. All funds deposited into the fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available without regard to fiscal year limitation, subject to authorization by Congress. No funds shall be transferred from the fund until October 1, 2009, at which time the funds may be used without restriction.

Sec. 3. Repealers.

(a) Section 6 of the Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008, effective March 20, 2008 (D.C. Law 17-121; 55 DCR 1477), is repealed.

(b) The Supplemental Appropriations Release of Funds Emergency Amendment Act of 2008, effective May 1, 2008 (D.C. Act 17-362; 55 DCR 5396), is repealed.

(c) The Supplemental Appropriations Release of Funds Temporary Amendment Act of 2008, signed by the Mayor on May 20, 2008 (D.C. Act 17-387; 55 DCR 6129), is repealed.

Sec. 4. Fiscal impact statement.

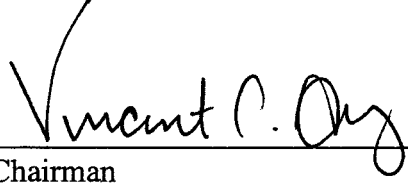
The Council adopts the fiscal impact statement for the Fiscal Year 2008 Other-Type and Local Appropriations Adjustment Temporary Act of 2008, signed by the Mayor on June 18, 2008 (D.C. Act 17-411; 55 DCR ____), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

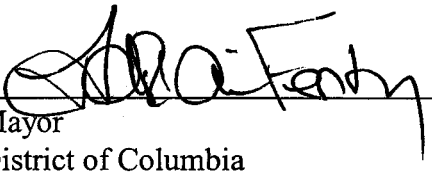
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-430

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008

To approve, on an emergency basis, a request for authorization for payment to Littler Mendelson, P.C., for legal services provided to the University of the District of Columbia without a valid written contract, and to authorize payment to Littler Mendelson, P.C., in the amount of \$206,579.30.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Littler Mendelson, P.C., Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 105(d)(5)(F)(ii) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.05(d)(5)(F)(ii)), the Council approves the request for authorization for payment and authorizes the University of the District of Columbia to pay Littler Mendelson, P.C., \$206,579.30 for legal services received from April 12, 2007, through November 30, 2007, which were provided without benefit of a valid written contract.

Sec. 3. Fiscal impact statement.

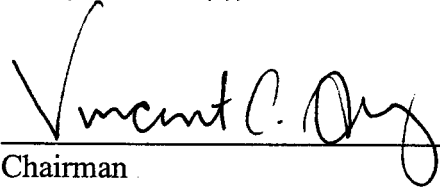
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

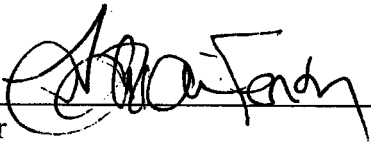
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-431

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008

To amend, on an emergency basis, subsection 1158.5 of Title 21 of the District of Columbia Municipal Regulations to authorize swimming in the Potomac River as part of special events to be held in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Special Events Swimming Exception Emergency Amendment Act of 2008".

Sec. 2. Subsection 1158.5 of Title 21 of the District of Columbia Municipal Regulations (21 DCMR § 1158.5), is amended to read as follows:

DCMR

"(a) Primary contact recreation shall be prohibited in the Potomac River until such time as the standards in subsection 1104.8 for Class A beneficial use are consistently maintained, except that swimming shall be allowed by those persons who are participants in special events authorized by the Mayor of the District of Columbia, in those areas of the Potomac River designated for the swim portion of any such event, and in no other areas. In the event that laboratory examinations of samples collected prior to the scheduled date of any special event suggest to the Director of the District Department of the Environment that, pursuant to the water quality standards set forth in subsection 1104.8, swimming should be prohibited in the Potomac River on that date, the exception contained in this subsection shall not apply. The Mayor shall establish such procedures governing the special events swimming exception as considered appropriate.

(b) The District of Columbia, including, but not limited to, its employees and agents, shall not have any liability whatsoever to any person, as a consequence of the activities conducted, or the participation in activities conducted, pursuant to the exception in paragraph (a) of this subsection.

(c) A person granted an exception pursuant to paragraph (a) of this subsection, and their heirs, successors, and assigns, shall be deemed to have waived liability to the District of Columbia, including, but not limited to, its employees and agents, as a consequence of the conduct of, or participation in, activities pursuant to the exception in paragraph (a) of this subsection."

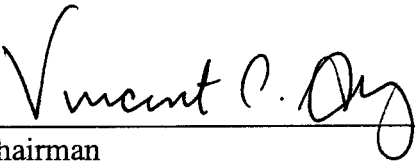
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Sec. 3. Fiscal impact statement.

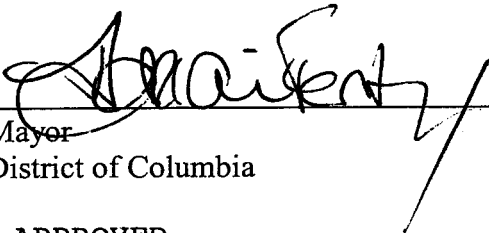
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

July 16, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-432

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008

To approve, on an emergency basis, modifications to Contract No. POHC-2004-C-0526 to provide animal control and animal disease-prevention services, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. POHC-2004-C-0526 Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. POHC-2004-C-0526 to provide animal control and animal disease-prevention services and authorizes payment to the Washington Humane Society in the amount of \$2,728,615.46 for services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

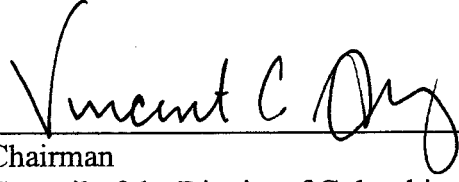
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

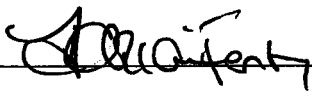
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-433

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008

To approve, on an emergency basis, Contract No. CFSA-08-C-0168, Contract No. CFSA-08-0189, and Contract No. CFSA-08-C-0204 to provide Main Facility Independent Living Program services to youth receiving services from the Child and Family Services Agency, and to authorize payment for the goods and services received and to be received under these contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CFSA-08-C-0168, Contract No. CFSA-08-0189, and Contract No. CFSA-08-C-0204 Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. CFSA-08-C-0168, Contract No. CFSA-08-0189, and Contract No. CFSA-08-C-0204 to provide Main Facility Independent Living Program services to Child and Family Services Agency youth for the total amount of \$3,152,255.20 for the period from January 1, 2008, through December 31, 2008, and authorizes payment for services received and to be received under these contracts.

Sec. 3. Fiscal impact statement.

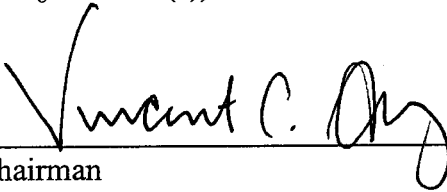
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

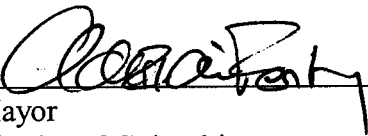
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code §1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-434

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain real property owned by Building Hope, an organization that provides funding for public charter school facilities in the District of Columbia, during the period from August 21, 2006, through March 22, 2007, and to provide equitable tax relief to the organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Building Hope Real Property Tax Exemption and Equitable Real Property Tax Relief Congressional Review Emergency Act of 2008".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-1077. Building Hope, Lot 802, Square 5357."

(b) A new section 47-1077 is added to read as follows:

"§ 47-1077. Building Hope; Lot 802, Square 5357.

"(a) The real property, described as Lot 802, Square 5357 in the District of Columbia, is exempt from real property and recordation and transfer taxes for the period from August 21, 2006 through March 22, 2007, the period in which the property was owned by Building Hope, an organization that provides funding for public charter school facilities in the District.

"(b) All real property and transfer and recordation taxes, along with any interest, penalties, fees, and other related charges, assessed against the real property described as Lot 802, Square 5357 for the period of August 21, 2006, through March 22, 2007, shall be forgiven, and any payments made for these purposes during this period shall be refunded to the payer."

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

New
§ 47-1077

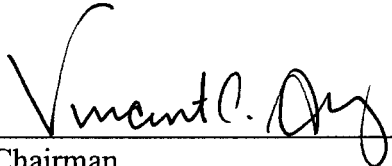
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Sec. 4. Fiscal impact statement

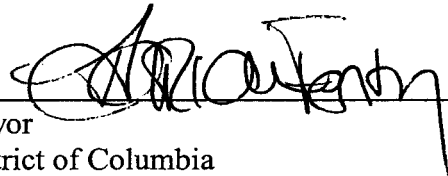
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-435IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 16, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, Chapter 8 of Title 47 of the District of Columbia Official Code to provide that the owner of a property that is receiving erroneously the homestead deduction and senior/disabled real property tax relief has a duty to inform the Chief Financial Officer that the benefits and those available to low-income property owners shall be rescinded prospectively on the sale of real property to a non-qualifying purchaser, and that a former owner that received the benefits shall be personally liable for the amount of benefits improperly received.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Real Property Tax Benefits Revision Congressional Review Emergency Act of 2008".

Sec. 2. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-845.02(m) is amended by adding 2 new sentences at the end to read as follows:

*Note,
§ 47-845.02*

"Any tax certificate shall indicate whether the real property is receiving the deferral under this section and the amount of deferred real property tax, interest thereon, and penalties. If a tax certificate does not contain the foregoing information, the eligible owner, and not the real property, shall be personally liable for the amount of deferred real property tax, interest thereon, and penalties."

(b) Section 47-845.03(o) is amended by adding 2 new sentences at the end to read as follows:

*Note,
§ 47-845.03*

"Any tax certificate shall indicate whether the real property is receiving the deferral under this section and the amount of deferred real property tax, interest thereon, and penalties. If a tax certificate does not contain the foregoing information, the eligible owner, and not the real property, shall be personally liable for the amount of deferred real property tax, interest thereon, and penalties."

(c) Section 47-850.02 is amended as follows:

(1) Subsection (b) is amended as follows:

*Note,
§ 47-850.02*

ENROLLED ORIGINAL

(A) Paragraph (1) is amended by striking the word "applicant" wherever it appears and inserting the phrase "applicant (or current owner if there is no applicant)" in its place.

(B) Paragraphs (4) and (5) are amended by striking the phrase "(for which notification is required under this subsection)".

(C) A new paragraph (6) is added to read as follows:

"(6)(A) Notwithstanding the rescission of the deduction pursuant to paragraphs (4) and (5) of this subsection, if all of the applicant's ownership interest in the real property is transferred to a new owner, shareholder, or member who does not apply or qualify for the deduction, the real property shall be entitled to the apportioned amount of the deduction applicable to the installment payable during the half tax year during which the ownership interest was transferred. At the end of such half tax year, the deduction shall cease.

"(B) If the applicant purchases another real property or interest in a housing cooperative for which he or she shall make application for the deduction, and the application and purchase occurs during the same half tax year when the transfer occurred, §§ 47-850(d), 47-850.01(b), and 47-850.04 shall not apply to the extent that both real properties may benefit from the deduction during that half tax year and, thereafter, only the newly purchased real property or housing cooperative in which the applicant acquired newly an interest shall benefit from the applicant's deduction.

"(C) Notwithstanding the foregoing, a real property shall not benefit from more than one deduction in any half tax year; provided, that in the case of a housing cooperative, the real property shall not benefit from more than one deduction related to a dwelling unit in any half tax year."

(2) Subsection (c)(1) is amended as follows:

(A) Strike the word "applicant" the first time it appears and insert the phrase "applicant or former owner, and not the real property" in its place.

(B) Strike the word "applicant" the second time it appears and insert the phrase "applicant or former owner" in its place.

(d) Section 47-850.03 is amended by striking the phrase "47-850.01" and inserting the phrase "47-850.01 and for the credit provided in § 47-864.01" in its place.

Note,
§ 47-850.03

(e) Section 47-863 is amended as follows:

Note,
§ 47-863

(1) Subsection (f) is amended as follows:

(A) Paragraph (1) is amended by striking the word "applicant" wherever it appears and inserting the phrase "applicant (or former owner if there is no applicant)" in its place.

(B) Paragraphs (4) and (5) are amended by striking the phrase "(for which notification is required under this subsection)".

(C) A new paragraph (6) is added to read as follows:

"(6)(A) Notwithstanding the rescissions of the deduction pursuant to paragraphs (4) and (5) of this subsection, if the applicant's required ownership interest in the real property

ENROLLED ORIGINAL

is transferred to a new owner, shareholder, or member who does not apply or qualify for the deduction, the real property shall nevertheless be entitled to the apportioned amount of the deduction applicable to the installment payable during the half tax year during which such ownership interest was transferred. At the end of the half tax year, the deduction shall cease.

“(B) If the applicant purchases another real property or interest in a housing cooperative for which he or she shall make application for the deduction, and the application and purchase occurs during the same half tax year when the transfer occurred, subsections (i) and (j) of this section shall not apply to the extent that both real properties may benefit from the deduction during that half tax year and, thereafter, only the newly purchased real property or housing cooperative in which the applicant acquired newly an interest shall benefit from the applicant’s deduction.

“(C) Notwithstanding the foregoing, a real property shall not benefit from more than one deduction in any half tax year; provided, that in the case of a housing cooperative, the real property shall not benefit from more than one deduction related to an eligible household in any half tax year.”.

(2) Subsection (g)(1) is amended as follows:

(A) Strike the word “applicant” the first time it appears and insert the phrase “applicant or former owner, and not the real property” in its place.

(B) Strike the word “applicant” the second time it appears and insert the phrase “applicant or former owner” in its place.

(3) Subsection (l) is amended by striking the word “decrease” and inserting the word “deduction” in its place.

(f) Section 47-864.01 is amended as follows:

Note,
§ 47-864.01

(1) A new subsection (c-1) is added to read as follows:

“(c-1) Notwithstanding any other provision of this section, if the entire interest in the real property is transferred to a new owner and the real property no longer qualifies as a homestead pursuant to § 47-850 or § 47-851, the real property shall be entitled to the credit applicable to the installment payable during the half tax year during which the ownership interest was transferred. At the end of the half tax year, the credit shall cease.”.

(2) Subsection (d)(3) is amended striking the word “back” and inserting the phrase “back, except as set forth in subsection (c-1) of this section” in its place.

Sec. 3. Applicability.

(a) Section 2(c)(1)(A) and (B), 2(c)(2), 2(e)(1)(A) and (B), and 2(e)(2) shall apply for tax years beginning after September 30, 2001.

(b) Section 2(c)(1)(C) and 2(e)(1)(C) shall apply as of January 2, 2007.

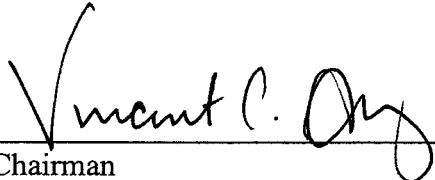
ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

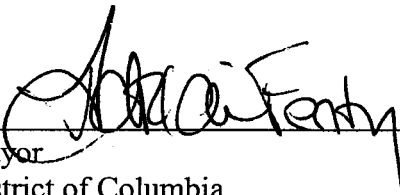
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-436

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
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To amend, on an emergency basis, due to Congressional review, the Office of Administrative Hearings Establishment Act of 2001 to authorize the Board of Real Property Assessment and Appeals to hear appeals from a notice of final determination on vacancy and to exempt appeals from a notice of final determination on vacancy from the purview of the Office of Administrative Hearings; to amend An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to consolidate the overlapping responsibilities for the designation, registration, and assessment of vacant properties, to provide for the consolidation of exemptions under the Department of Consumer and Regulatory Affairs and a reduction in the overall number of exemptions from the registration of vacant buildings, to provide for the establishment of regulations governing vacant property, to provide penalties for the filing of false or misleading vacant property registration information by an owner, to provide for the petition for reconsideration of a vacancy determination, to provide for the periodic noticing of the Office of Tax and Revenue of properties designated as vacant and the assessment of taxes on properties designated as vacant, and to provide for the appeal of a notice of final determination to the Board of Real Property Assessment and Appeals; and to amend Title 47 of the District of Columbia Official Code to restate the classes of property subject to taxation, to vest fully with the Department of Consumer and Regulatory Affairs the determination of the vacant status of buildings for Class 3 real property tax purposes, and to create a specific appeals process for Class 3 Properties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nuisance Properties Abatement Reform and Real Property Classification Congressional Review Emergency Act of 2008".

Sec. 2. Section 6(b)(2) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b)(2)), is amended by striking the phrase "Rent Administrator" and inserting the phrase "Rent Administrator and those cases under the jurisdiction of the Board of Real Property Assessment

Amend
§ 2-1831.03

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and Appeals” in its place.

Sec. 3. An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 115; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 42-3131.05) is amended as follows:

Amend
§ 42-3131.05

(1) The lead-in text is amended by striking the phrase “sections 5 through 15” and inserting the phrase “sections 5 through 16” in its place.

(2) Paragraph (2) is amended by striking the phrase “District of Columbia” and inserting the phrase “District of Columbia, actively operating as a hotel or motel, and legally using the real property as a hotel or motel” in its place.

(3) Paragraph (4) is amended to read as follows:

“(4) “Owner” means the owner of record of the real property.”.

(4) A new paragraph (4A) is added to read as follows:

“(4A) “Real property” means real property as defined under D.C. Official Code § 47-802(1).”.

(5) Paragraph (5) is amended as follows:

(A) Strike the word “means” and insert the phrase “means real property improved by” in its place.

(B) Strike the phrase “for more than 180 days”.

(b) A new section 5a is added to read as follows:

“Sec. 5a. Notice by mail.

“Notice shall be deemed to be served properly on the date when mailed by first-class mail to the owner of record of the vacant building at the owner’s mailing address as updated in the real property tax records of the Office of Tax and Revenue.”.

(c) Section 6 (D.C. Official Code § 42-3131.06) is amended as follows:

Amend
§ 42-3131.06

(1) Subsection (b) is amended as follows:

(A) Paragraph (3) is amended to read as follows:

“(3) Under active construction or undergoing active rehabilitation, renovation, or repair, and there is a valid building permit to make the building fit for occupancy that was issued, renewed, or extended within 12 months of the required registration date;”.

(B) Paragraph (4) is amended by striking the phrase “one year from the initial listing, offer, or advertisement of sale, or 90 days from the initial listing, offer, or advertisement to rent” and inserting the phrase “8 months” in its place.

(C) Paragraph (5) is amended to read as follows:

“(5) Exempted by the Mayor in his or her sole discretion; provided, that the exemption may be withdrawn upon notice in the same manner as if the building were designated as vacant under section 11;”.

(D) New paragraphs (6), (7), (8), and (9) are added to read as follows:

“(6) Occupied at the time of a fire, flood, or other casualty which occurred

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within the preceding 12 months and which was not intentionally caused by the owner;

“(7) For a period not to exceed 24 months, the subject of a probate proceeding or the title is the subject of litigation (not including a foreclosure of the right of redemption action brought under Chapter 13A of Title 47 of the District of Columbia Official Code);

“(8) For a period not to exceed 12 months, the subject of a pending application for a necessary approval for development before the Board of Zoning Adjustment, the Zoning Commission for the District of Columbia, the Commission on Fine Arts, the Historic Preservation Review Board, the Mayor’s Agent for Historic Preservation, or the National Capital Planning Commission; or

“(9) For a period not to exceed 12 months, owned by a qualifying nonprofit housing organization under D.C. Official Code § 47-3505(a).”.

(2) Subsection (e) is amended by striking the phrase “30 days” and inserting the phrase “30 days in the manner provided in section 499d(b-1) of An Act To establish a code of law for the District of Columbia, effective October 23, 1997 (D.C. Law 14-282; D.C. Official Code § 42-405(b-1))” in its place.

(3) New subsections (f) and (g) are added to read as follows:

“(f)(1) The cumulative time period for exemption from registration and fee requirements for a vacant building under the same, substantially similar, or related ownership shall not exceed 3 real property tax years.

“(2) Notwithstanding paragraph (1) of this subsection, any exemption shall be terminated at the end of the 2007 real property tax year if the building under the same, substantially similar, or related ownership benefitted from an exemption under this section or under D.C. Official Code § 47-813(c-6) during 3 or more real property tax years.

“(3) The limitations set forth in paragraphs (1) and (2) of this subsection shall not apply to vacant buildings that benefit from the exemption under subsection (b)(1), (b)(2), or (b)(5) of this section.

“(4) A vacant building benefitting from an exemption under this section or D.C. Official Code § 47-813(c-6)(2)(C) or (c-6)(3)(C), immediately preceding March 8, 2007, shall continue to benefit from the exemption and shall not be required to register or pay fees for the duration permitted under those provisions; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the vacant building may qualify for an exemption in effect after March 8, 2007, and subject to the time restriction and exclusion set forth in paragraphs (2) and (3) of this subsection.

“(5) For the purposes of this subsection, ownership shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

“(g) The Mayor shall issue proposed rules to implement the provisions of this act on or before June 30, 2007. The proposed rules shall be submitted to the Council for a 45-day period

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of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed disapproved.”.

(d) Section 8 (D.C. Official Code § 42-3131.08) is amended to read as follows:

Amend
§ 42-3131.08

“Sec. 8. Notice of denial or revocation of registration.

“The owner shall be notified of the denial or revocation of registration of a vacant building and the right to appeal. Upon notice of the denial or revocation, the owner shall not proceed with any operation to which the registration related. If the registration is denied or revoked, no registration fees or parts thereof shall be returned.”.

(e) Section 9(d) (D.C. Official Code § 42-3131.09(d)) is amended by striking the phrase “section 11” wherever it appears and inserting the phrase “section 8” in its place.

Amend
§ 42-3131.09

(f) Section 10 (D.C. Official Code § 42-3131.10) is amended as follows:

Amend
§ 42-3131.10

(1) Subsection (a) is amended by striking the phrase “receipt of a mailing of a delinquency and determination notice under section 11 or” and inserting the phrase “notice of the designation of the owner’s building as vacant, the determination of delinquency of registration or fee payment, the denial or revocation of registration, the filing by an owner of any false or misleading registration-related information, or” in its place.

(2) Subsection (c) is amended by striking the word “semiannual”.

(g) Section 11 (D.C. Official Code § 42-3131.11) is amended to read as follows:

Amend
§ 42-3131.11

“Sec. 11. Notice of vacancy designation and right to appeal.

“The Mayor shall identify nonregistered vacant buildings in the District, excluding vacant buildings identified in section 8. The owner shall be notified that the owner’s building has been designated as vacant and of the owner’s right to appeal.”.

(h) Section 15 (D.C. Official Code § 42-3131.15) is amended to read as follows:

Amend
§ 42-3131.15

“Sec. 15. Administrative review and appeal.

“(a) Within 15 days after the designation of an owner’s building as vacant, the determination of delinquency of registration or fee payment, or the denial or revocation of registration, the owner may petition the Mayor for reconsideration by filing the form prescribed by the Mayor. Within 30 days after receiving the petition, the Mayor shall issue a notice of final determination.

“(b) Within 45 days after the date of the notice of final determination under subsection (a) of this section, an owner may file an appeal with the Board of Real Property Assessments and Appeals on the form prescribed by the Mayor; provided, that the notice of final determination under subsection (a) of this section shall be a prerequisite to filing an appeal with the Board of Real Property Assessments and Appeals.”.

(i) A new section 16 is added to read as follows:

“Sec. 16. Transmission of list by Mayor.

“(a) Semiannually, the Mayor shall transmit to the Office of Tax and Revenue a list of buildings:

“(1) Registered as vacant; provided, that for the purposes of this section and

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D.C. Official Code § 47-813(c-7)(5)(A-1)(i)(I)(aa), buildings for which the registration has been revoked shall also be deemed registered; and

“(2) For which a notice of final determination has been issued under this act and administrative appeals have been exhausted or expired.

“(b) The list shall be in the form and medium prescribed by the Office of Tax and Revenue.”.

Sec. 4. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-813 is amended as follows:

Amend
§ 47-813

(1) Subsection (c-6)(1) is amended by striking the phrase “the real property tax year beginning October 1, 2002, and ending September 30, 2003, and for each subsequent tax year” and inserting the phrase “tax years 2003 through 2006” in its place.

(2) A new subsection (c-7) is added to read as follows:

“(c-7)(1) For tax year 2007 and thereafter, the following classes of taxable real property are established:

“(A) Class 1 Property;

“(B) Class 2 Property; and

“(C) Class 3 Property.

“(2)(A) Except as otherwise provided in this paragraph, Class 1 Property shall be comprised of residential real property that is improved and used exclusively for nontransient residential dwelling purposes; provided, that the improved and nontransient real property shall not be classified as Class 1 Property if it appears on the list compiled under § 42-3131.16.

“(B) Unimproved real property benefitting from an exemption under subsection (c-6)(2)(C) of this section immediately preceding March 8, 2007, shall continue to benefit from the exemption and be classified as Class 1 Property for the duration permitted under that subsection; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the unimproved real property may qualify for an exemption in effect after March 8, 2007, and subject to the time restriction and exclusion set forth in subparagraph (E)(ii)(II) of this paragraph.

“(C) Real property used as a parking lot shall be classified as Class 1 Property if it appertains to improved Class 1 Property and if each approval required from the District government for use as a parking lot has been obtained.

“(D) Unimproved real property which abuts Class 1 Property shall be classified as Class 1 Property if the real property and the Class 1 Property have common ownership.

“(E)(i) Unimproved, residential real property shall be classified as Class 1 Property if:

“(I) The real property is actively offered for sale or rental at a reasonable market price as of September 30 of the preceding tax year or as of March 31 of

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the current tax year; provided, that a real property which has been offered for sale or rental for more than 8 months shall be presumed not to be offered for sale or rental at a reasonable market price;

“(II) A valid building permit to construct at least one nontransient dwelling unit has been issued and construction is actively pursued as of September 30 of the preceding tax year or as of March 31 of the current tax year;

“(III) The real property is encumbered by a deed of trust that was recorded during the 12 months preceding the current tax year and a building permit described in sub-sub-subparagraph (II) of this sub-subparagraph has been issued;

“(IV) The real property is owned by a qualifying nonprofit housing organization under § 47-3505(a);

“(V) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right; or

“(VI) The unimproved air rights lot appertains to improved Class 1 Property.

“(ii)(I) Classification of unimproved real property as Class 1 Property pursuant to sub-subparagraph (i)(I), (II), (III), or (IV) of this subparagraph shall not exceed 3 tax years under the same, substantially similar, or related ownership.

“(II) Notwithstanding sub-sub-subparagraph (I) of this sub-subparagraph, unimproved real property under the same, substantially similar, or related ownership that qualified for and benefited from an exemption under sub-subparagraph (i) of this subparagraph or under subsection (c-6)(2)(C) or (c-6)(2)(E) of this section, other than under sub-subparagraph (i)(V) or (VI) of this subparagraph or a similar provision of subsection (c-6)(2)(C) of this section, for 3 or more tax years shall no longer be classified as Class 1 Property beginning in tax year 2008.

“(III) For purposes of this sub-subparagraph, ownership shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

“(F) Unimproved real property which is separated from Class 1 Property by a public alley less than 30 feet wide shall be classified as Class 1 Property if:

“(i) The real property is less than 1,000 square feet;

“(ii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right; and

“(iii) The real property and the Class 1 Property separated by the alley from the real property have common ownership.

“(3)(A) Except as otherwise provided in this paragraph, Class 2 Property shall

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be comprised of improved commercial real property; provided, that such improved real property shall not be classified as Class 2 Property if it appears on the list compiled under § 42-3131.16.

“(B) Unimproved real property benefitting from an exemption under subsection (c-6)(3)(C) of this section immediately preceding March 8, 2007, shall continue to benefit from the exemption and be classified as Class 2 Property for the duration permitted under subsection (c-6)(3)(C) of this section; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the unimproved real property may qualify for an exemption in effect after March 8, 2007, and subject to the time restriction and exclusion set forth in subparagraph (E)(ii)(II) of this paragraph.

“(C) Real property used as a parking lot shall be classified as Class 2 Property if each approval required from the District government for use as a parking lot has been obtained.

“(D) Unimproved real property which abuts Class 2 Property shall be classified as Class 2 Property if the real property and the Class 2 Property have common ownership.

“(E)(i) Unimproved, commercial real property shall be classified as Class 2 Property if:

“(I) The real property is actively offered for sale or rental at a reasonable market price as of September 30 of the preceding tax year or as of March 31 of the current tax year; provided, that a real property which has been offered for sale or rental for more than 8 months shall be presumed not to be offered for sale or rental at a reasonable market price;

“(II) A valid building permit to construct an improvement to be occupied or a parking lot has been issued and construction is actively pursued as of September 30 of the preceding tax year or as of March 31 of the current tax year;

“(III) The real property is encumbered by a deed of trust that was recorded during the 12 months preceding the current tax year and a building permit described in sub-sub-subparagraph (II) of this sub-subparagraph has been issued;

“(IV) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right; or

“(V) The unimproved air rights lot appertains to improved Class 2 Property.

“(ii)(I) Classification of unimproved real property as Class 2 Property pursuant to sub-subparagraph (i)(I), (II), or (III) of this sub-subparagraph shall not exceed 3 tax years under the same, substantially similar, or related ownership.

“(II) Notwithstanding sub-sub-subparagraph (I) of this sub-subparagraph, unimproved real property under the same, substantially similar, or related ownership that qualified for and benefited from an exemption under sub-subparagraph (i) of

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this subparagraph or under subsection (c-6)(3)(C) of this section, other than under subparagraph (i)(IV) or (V) of this subparagraph or under a similar provision of subsection (c-6)(3)(C) of this section, for 3 or more tax years shall no longer be classified as Class 2 Property beginning with tax year 2008.

“(III) For purposes of this sub-subparagraph, ownership shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

“(F) Unimproved real property which is separated from Class 2 Property by a public alley less than 30 feet wide shall be classified as Class 2 Property if:

“(i) The real property is less than 1,000 square feet;

“(ii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right; and

“(iii) The real property and the Class 2 Property separated by the alley from the real property have common ownership.

“(G) Class 2 Property shall include, as of September 30 of the preceding tax year, the unimproved real property that is within the Northeast No. 1/Eckington Yards Special Treatment Area and the Buzzard Point/Near Southeast Development Opportunity Area, as designated on the current District of Columbia Generalized Land Use Map that is part of the Comprehensive Plan; provided, that the real property is zoned for commercial development and the real property owner is engaged in predevelopment activities as supported by written documentation. For the purpose of this subparagraph, the term "predevelopment activities" means completion of one of the following:

“(i) Preparation of subdivision or large tract review applications;

“(ii) Preparation or application for District of Columbia permits or authorizations to proceed with development;

“(iii) Participation in special planning or transportation studies prepared in conjunction with the District of Columbia; or

“(iv) Completion of environmental assessment or mitigation studies prepared in conjunction with the District of Columbia.

“(4) Class 3 Property shall be comprised of all real property which cannot be classified as Class 1 Property or Class 2 Property.”.

(3) Subsection (d)(5) is repealed.

(4) Subsection (d-1) is amended as follows:

(A) Paragraph (3) is repealed.

(B) Paragraph (3A)(A) is amended as follows:

(i) Strike the phrase “appeal any reclassification under this section in the same manner and to the same extent as a new owner under § 47-825.01(f-1)(1),

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regardless of the tax year involved or whether a prior petition or appeal had been filed for the tax year” and insert the phrase “appeal any classification of Class 3 Property under this section of unimproved real property or real property that is used as a parking lot to the same extent as a new owner under § 47-825.01(f-1)(1)(C)(iii) or (iv)” in its place.

(ii) A new sentence is added to read as follows:

“The Class 3 Property classification shall only be appealed under the provisions of this paragraph and regardless of whether a petition or appeal is filed under § 47-825.01(f-1)(1A), notwithstanding any other provision of law.”

(iii) Strike the word “reclassification” wherever it appears and insert the word “classification” in its place.

(C) New paragraphs (4A) and (4B) are added to read as follows:

“(4A) For improved real property that is not used as a parking lot, the determination that the real property belongs on the list compiled under § 42-3131.16 (and, indirectly, its Class 3 Property classification) shall only be appealed as prescribed under § 42-3131.15 and § 47-825.01(f-1)(2A), notwithstanding any other provision of law. A notice of final determination by the Mayor shall be a prerequisite before an appeal to the Board of Real Property Assessments and Appeals may be taken.

“(4B) The classification of Class 3 Property in the notice of proposed assessment under §§ 47-824 and 47-829 shall not be appealed under the provisions applicable to the appeal of such notice and any statement in such notice that the real property shall be classified as other than Class 3 Property shall not be effective, notwithstanding any other provision of law.”

(D) Paragraph (5) is amended as follows:

(i) Subparagraph (A) is amended to read as follows:

“(A) Whenever the classification of real property subject to the new owner petition or appeal process under paragraph (3A) of this subsection shall:

“(i)(I) Change to Class 3 Property, the owner shall file a notification to change the classification with the Office of Tax and Revenue within 30 days after the change in the manner as may be prescribed by the Mayor.

“(II) The change in classification shall be retroactive to the half tax year when the Office of Tax and Revenue was so notified. If the owner fails to notify timely, the real property shall be reclassified for each tax year beginning with the half tax year when the classification should have changed; provided, that the periods subject to reclassification shall be limited to the current and 3 preceding tax years. Penalty and interest as prescribed under § 47-811(c) shall be assessed beginning 30 days after the date of the real property tax bill that issues after any administrative appeals have been exhausted; or

“(ii)(I) Cease to be Class 3 Property, the owner shall file a notification to change the classification with the Office of Tax and Revenue within 30 days after the change in the manner as may be prescribed by the Mayor.

“(II) If the notification is approved, the change in

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classification of the real property from Class 3 Property shall be retroactive to the half tax year when the Office of Tax and Revenue was so notified. If the notification is disapproved, the notice of classification under paragraph (3A) of this subsection shall be given to the owner.”.

(ii) A new subparagraph (A-i) is added to read as follows:

“(A-i)(i) Whenever the classification of improved real property that is not used as a parking lot and appears on the list compiled under § 42-3131.16 shall change to Class 3 Property:

“(I) The owner shall notify the Department of Consumer and Regulatory Affairs within 30 days of the change by making application to register the property as vacant under §§ 42-3131.06 and 42-3131.07, and the change in classification of the real property to Class 3 Property shall be retroactive to the half tax year during which one of the following first occurred:

“(aa) The owner of the real property registered the real property as vacant under § 42-3131.06; or

“(bb) The owner of real property received a notice of final determination under § 42-3131.15;

“(II) The Office of Tax and Revenue shall re-classify the real property without limitation for each tax year or half tax year after receipt of the list under § 42-3131.16; and

“(III) Penalty and interest as prescribed under § 47-811(c) shall be assessed beginning 30 days after the date of the real property tax bill that issues after any administrative appeals have been exhausted.

“(ii) Whenever improved real property that is not used as a parking lot and appears on the list compiled under § 42-3131.16 shall cease to be Class 3 Property, the owner shall notify the Department of Consumer and Regulatory Affairs within 30 days after the change in the manner as may be prescribed by the Mayor. If the request for a change in classification is approved, the change in classification of the real property from Class 3 Property shall be retroactive to the half tax year when the Department of Consumer and Regulatory Affairs was so notified. If the request is denied, the owner shall have a right to administrative review of the determination as provided under § 42-3131.16 and § 47-825.01(f-1)(2A).”.

(iii) Subparagraph (B) is amended as follows:

(I) Strike the phrase “subparagraph (A)” and insert the phrase “subparagraphs (A) and (A-i)” in its place.

(II) Strike the word “Mayor” and insert the phrase “applicable agency” in its place.

(E) Paragraph (6) is amended by striking the phrase “real property” and inserting the phrase “Class 3 Property” in its place.

(5) Subsection (d-2) is amended by striking the phrase “an erroneous or improper classification” and inserting the phrase “a change in classification to Class 3

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Property” in its place.

(b) Section 47-825.01(f-1) is amended as follows:

Amend
§ 47-825.01

(1) A new paragraph (2A) is added to read as follows:

“(2A) If an owner is aggrieved by a notice of final determination issued pursuant to § 42-3131.15 or a notice of final determination issued under § 47-813(d-1)(3A), the owner may file an appeal on the determination of vacancy with the Board within 45 days from the date of such notice. The Board shall render a decision on the appeal within 120 days of filing.”.

(2) Paragraph (3) is amended by striking the word “Board” and inserting the phrase “Board and a petition to the Mayor for reconsideration of the designation of their building as vacant shall be a prerequisite for filing an appeal with the Board pursuant to § 42.3131.15” in its place.

(3) Paragraph (8) is amended by striking the phrase “value or classification” and inserting the phrase “value, classification, or determination of vacancy” in its place.

Amend
§ 47-850.02

(c) Section 47-850.02(b-1) is amended by striking the phrase “a reclassification” and inserting the phrase “an appeal of a Class 3 classification” in its place.

(d) Section 47-863(f-1) is amended by striking the phrase “a reclassification” and inserting the phrase “an appeal of a Class 3 classification” in its place.

Amend
§ 47-863

Sec. 5. Applicability.

Sections 2 through 4 shall apply to real property tax years beginning after September 30, 2006.

Sec. 6. Fiscal impact statement.

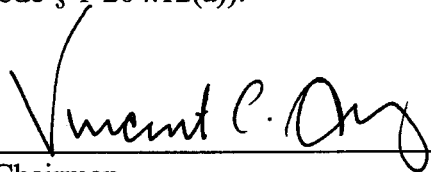
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

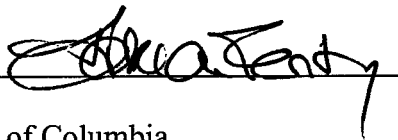
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-437

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008

To approve, on an emergency basis, a contract with Keystone Plus Construction Corp., for repairs and renovations to schools accepting students from schools to be closed under the District of Columbia Public Schools school consolidation effort, and to authorize payment to Keystone Plus Construction Corp., in the amount of \$2,683,968 for the services rendered under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Keystone Receiving School Contract Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves the Keystone Receiving School Contract and authorizes payment to Keystone Plus Construction Corp., in the amount of \$2,683,968 for services rendered under that contract.

Sec. 3. Fiscal impact statement.

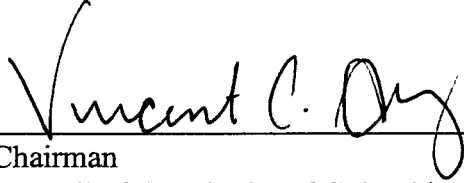
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

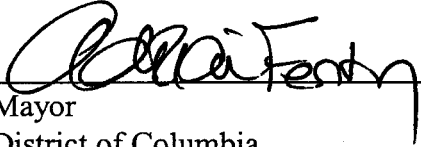
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-438

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Housing Authority Act of 1999 to allow the District of Columbia Housing Authority to reserve 55 tenant-based assistance vouchers for extremely low-income veterans of the United States Armed Services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Veterans Rental Assistance Congressional Review Emergency Amendment Act of 2008".

Sec. 2. Section 26c of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-228), is amended by adding a new subsection (c) to read as follows:

*Note,
§ 6-228*

"(c)(1) The Authority shall reserve 55 tenant-based assistance vouchers supported by funding from the Rent Supplement Fund for persons who:

"(A) Are veterans of the United States Armed Services;

"(B) Are extremely low-income residents of the District of Columbia;

and

"(C) Are referred to the Authority by the Office of Veterans Affairs.

"(2) The Authority shall accept referrals for vouchers made pursuant to this subsection for a period of 6 months from the effective date of the Veterans Rental Assistance Emergency Amendment Act of 2008, effective April 17, 2008 (D.C. Act 17-351; 55 DCR 5366). Any tenant-based assistance vouchers not used to support persons who are referred to the Authority within the time period provided by this paragraph shall be available generally for the Rent Supplement Program."

Sec. 3. This act shall apply as of July 17, 2008.

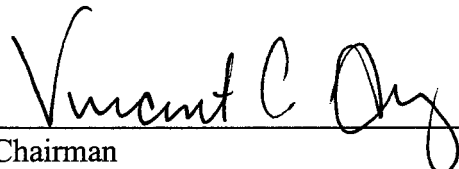
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Sec. 4. Fiscal impact statement.

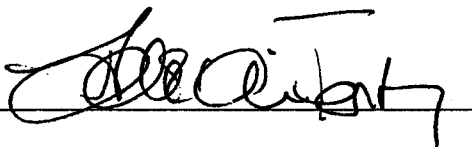
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-439

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, the Retail Electric Competition and Consumer Protection Act of 1999 to prohibit the electric company from disconnecting residential electric service when the heat index is forecasted to be 95 degrees Fahrenheit or above.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Heat Wave Safety Emergency Amendment Act of 2008".

Sec. 2. The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D. C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new section 106a to read as follows:

"Sec. 106a. Disconnection of service in extreme temperature prohibited.

"(a) For the purposes of this section, the term "forecast of extreme temperature" means a National Weather Service forecast that the heat index for the District of Columbia will be 95 degrees Fahrenheit or above at any time during a day.

"(b) The electric company shall not disconnect residential electric service during the day preceding, and the day of, a forecast of extreme temperature. If the forecast of extreme temperature precedes a holiday or weekend day, the electric company shall not disconnect residential electric service on any day during the holiday or weekend."

Sec. 3. Fiscal impact statement

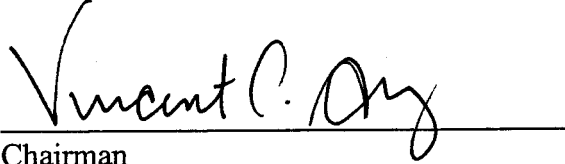
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

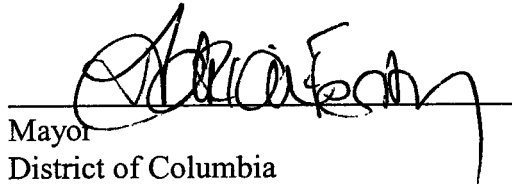
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

July 16, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-440

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008Codification
District of
Columbia
Official Code

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, the Workforce Housing Production Program Approval Act of 2006 to grant authority to the Mayor to transfer moneys to the workforce housing pilot program from the Housing Production Trust Fund and the Industrial Revenue Bond special account; and to amend the Housing Production Trust Fund Act of 1988 to authorize the expenditure of \$4 million in accordance with the Workforce Housing Production Program Approval Act of 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Workforce Housing Production Program Emergency Amendment Act of 2008".

Sec. 2. The Workforce Housing Production Program Approval Act of 2006, effective March 14, 2007 (D.C. Law 16-278; D.C. Official Code § 6-1061.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 6-1061.02) is amended as follows:

(1) Subsection (g) is amended to read as follows:

"(g) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title."

(2) Subsection (h) is amended by striking the sentence "Within one year after the effective date of this title, the Mayor shall submit a report to the Council on the status of the workforce housing pilot program." and inserting the sentence "Within 60 days after the close of each fiscal year, as such fiscal year is established by the land trust, the land trust shall submit a report to the Mayor and the Council on the status of the workforce housing pilot program and the use of funds from the Housing Production Trust Fund, established pursuant to section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802)." in its place.

(b) A new section 104 is added to read as follows:

"Sec. 104. Authority to transfer moneys to the workforce housing pilot program from the Housing Production Trust Fund and the Industrial Revenue Bond special account.

Note,
§ 6-1061.02

ENROLLED ORIGINAL

"(a) The Mayor may transfer \$4 million from the Housing Production Trust Fund to such accounts or sub-accounts as may be established pursuant to the trust agreement to be entered into pursuant to section 102(e).

"(b)(1) The Mayor may transfer \$1 million from the Industrial Revenue Bond special account established under D.C. Official Code § 47-131(c)(4) to such accounts or sub-accounts as may be established pursuant to the trust agreement to be entered into pursuant to section 102(e).

"(2) The funds transferred pursuant to this subsection may be used to assist households whose annual incomes do not exceed 120% of the area median income; provided, that the annual incomes of the households assisted through an allocation or proceeds from the Housing Production Trust Fund, established pursuant to section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802), shall not exceed 80% of the area median income.

"(3) For the purposes of this subsection, the term "area median income" shall have the same meaning as provided in section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)).".

Sec. 3. Section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802), is amended by adding a new subsection (b-3) to read as follows:

Note,
§ 42-2801

"(b-3)(1) Notwithstanding any other provision of this act or any other law to the contrary, \$4 million of the funds deposited into the Fund may be made available by the Mayor to the Workforce Housing Land Trust. The uses of the funds shall be governed exclusively by the provisions of the Land Trust Plan and the requirements of the Workforce Housing Production Program Approval Act, effective March 14, 2007 (D.C. Law 16-278; D.C. Official Code § 6-1061.01 *et seq.*)("Production Act").

"(2) For the purposes of this subsection, the term:

"(A) "Land Trust Plan" means the District of Columbia Workforce Housing Land Trust Design and Implementation Plan, as amended and approved pursuant to the Production Act.

"(B) "Workforce Housing Land Trust" means the tax-exempt organization selected by the Deputy Mayor for Planning and Economic Development to administer the pilot program pursuant to section 102 of the Production Act.".

Sec. 4. Applicability.

This act shall apply as of July 7, 2008.

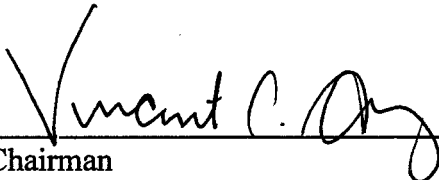
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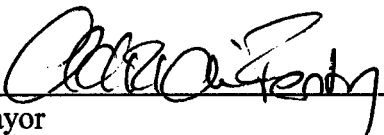
Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED

July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-441

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend the Youth Employment Act of 1979 to classify as economically disadvantaged persons who reside or once resided in juvenile detention facilities and to require that each youth employment program make a good faith effort to fill at least 30% of its available positions with economically disadvantaged persons.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Priority Employment for Economically Disadvantaged Youth in the Youth Employment Program Amendment Act of 2008".

Sec. 2. Section 2(d) of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241(d)), is amended to read as follows:

Amend
§ 32-241

"(d) For the purposes of this section, the term:

"(1) "Economically disadvantaged" means a person who is either:

"(A) A member of a family which receives public assistance;

"(B) A member of a family whose income during the previous 6 months on an annualized basis was such that:

"(i) The family would have qualified for public assistance if it had applied for such assistance;

"(ii) It does not exceed the poverty level; or

"(iii) It does not exceed 70% of the lower living standard income level;

"(C) A foster child on whose behalf state or local government payments are made; or

"(D) Where the status presents a significant barrier to employment:

"(i) A client of a sheltered workshop;

"(ii) An individual with a disability;

"(iii) A person residing, or who once resided, in an institution or facility providing 24-hour support, such as a prison, a juvenile detention facility, a hospital, or a community care facility; or

"(iv) A regular outpatient of a mental hospital rehabilitation

ENROLLED ORIGINAL

facility or similar institution.

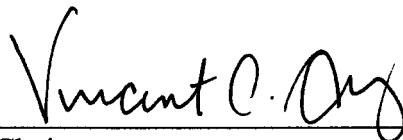
“(2) “Priority” means a good faith effort by a program under this act to fill at least 30% of the program’s available positions with persons classified as economically disadvantaged.”.

Sec. 3. Fiscal impact statement.

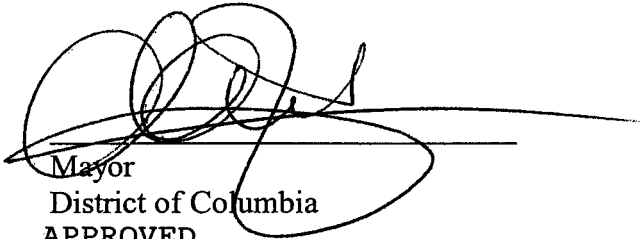
The Council adopts the fiscal impact statement of the Chief Financial Officer, dated June 3, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-442

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend An Act To establish a code of law for the District of Columbia to eliminate provisions voiding marriages between lunatics, idiots, and those physically incapable of entering into the married state, and to provide that a marriage may be voided because of a person being unable by reason of mental incapacity to give valid consent to the marriage; and to amend An Act To require premarital examinations in the District of Columbia, and for other purposes to repeal the requirement of a premarital blood test and to make conforming amendments reflecting the repeal of that requirement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Marriage Amendment Act of 2008".

Sec. 2. Section 1285 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391; D.C. Official Code § 46-403), is amended as follows:

Amend
§ 46-403

(a) Paragraph (1) is amended to read as follows:

"(1) The marriage of a person adjudged to be, or to have been at the time a marriage was performed, unable by reason of mental incapacity to give valid consent to marriage;"

(b) Paragraph (3) is repealed.

Sec. 3. An Act To require premarital examinations in the District of Columbia, and for other purposes, approved October 15, 1966 (80 Stat. 959; D.C. Official Code § 46-417 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 46-417) is repealed.

Repeal
§ 46-417
Amend
§ 46-418

(b) Section 3 (D.C. Official Code § 46-418) is amended by striking the phrase "section 2 of this Act and".

(c) Section 4 (D.C. Official Code § 46-419) is repealed.

Repeal
§ 46-419

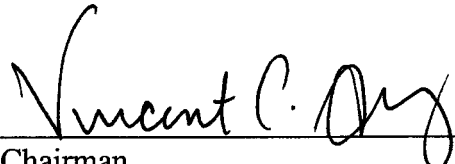
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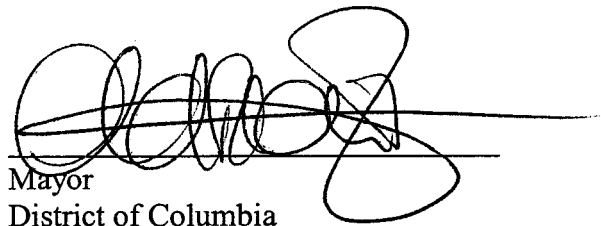
Sec. 4. Fiscal impact statement.

The Council adopts the April 1, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED

July 16, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-443IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 16, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend the Youth Employment Act of 1979 to provide that participants in the in-school program work at least 10 hours per week, to clarify that the in-school and out of school year-round employment programs are not limited to students considered at risk of dropping out of school because they are economically disadvantaged, and to provide that not more than 10% of funds shall be used for administrative and vendor costs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Access to Youth Employment Programs Amendment Act of 2008".

Sec. 2. Section 2 of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241), is amended as follows:

Amend
§ 32-241

(a) Subsection (a) is amended as follows:

(1) Paragraph (2) is amended as follows:

(A) Strike the word "basis" and insert the phrase "basis, with the minimum of 10 hours per week," in its place.

(B) Strike the word "disadvantaged" and insert the phrase "disadvantaged; provided, that students who do not qualify for prioritization shall be eligible for the program" in its place.

(2) Paragraph (3) is amended by striking the word "residents" and inserting the phrase "residents; provided, that youth who are not economically disadvantaged or public housing residents shall be eligible for the program" in its place.

(b) Subsection (b) is amended by adding a new 2nd sentence to read as follows:

"The Mayor shall not use more than 10% of funds for the programs for administrative and vendor costs."

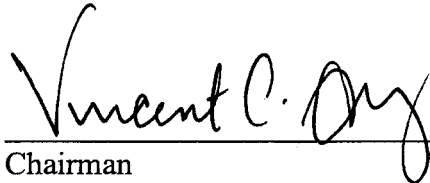
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated June 3, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

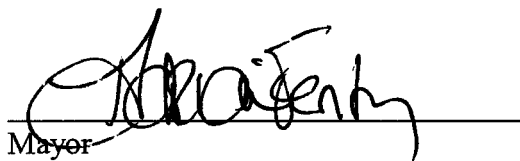
ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-444

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend the Policemen and Firemen's Retirement and Disability Act to authorize sworn members of the Metropolitan Police Department and the Fire and Emergency Medical Services Department to transfer to any of the existing retirement programs, to require all future sworn members to select a retirement program upon their employment, and to require sworn members to pay all administrative and program costs associated with the selection.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Metropolitan Police Department Retirement Options Amendment Act of 2008".

Sec. 2. Section 12(h) of the Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-712), is amended by adding new subsections (a-2) and (a-3) to read as follows:

Amend
§ 5-712

"(a-2) Notwithstanding any other law, rule, or regulation, sworn members of the Metropolitan Police Department and the Fire and Emergency Medical Services Department hired before or on the effective date of the Metropolitan Police Department Retirement Options Amendment Act of 2008, passed on 2nd reading on July 1, 2008 (Enrolled version of Bill 17-460), may make a one-time election, at their option, in writing, to participate in one of the retirement programs created by subsection (a) of this section; provided, that any and all additional costs above the costs which would otherwise be incurred by the District for that sworn member pursuant to subsection (a) of this section shall be paid by the member, as determined by actuaries appointed by the District of Columbia. The District shall not be responsible for any additional administrative or program costs associated with a retirement program transfer authorized by this subsection. All costs associated with the transfer to a new retirement program under this subsection shall be borne by the member.

"(a-3) Notwithstanding any other law, rule, or regulation, sworn members of the Metropolitan Police Department and the Fire and Emergency Medical Services Department hired after the effective date of the Metropolitan Police Department Retirement Options Amendment Act of 2008, passed on 2nd reading on July 1, 2008 (Enrolled version of Bill 17-

ENROLLED ORIGINAL

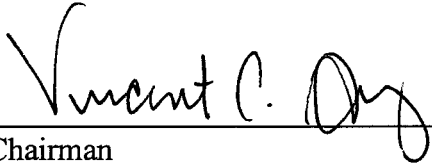
460), shall make a one-time election, at their option, in writing, to participate in one of the retirement programs created by subsection (a) of this section; provided, that any and all additional costs above the costs which would otherwise be incurred by the District for that sworn member pursuant to subsection (a) of this section shall be paid by the member, as determined by actuaries appointed by the District of Columbia. The District shall not be responsible for any additional administrative or program costs associated with a retirement program selection authorized by this subsection. All costs associated with the selection of a retirement program under this subsection shall be borne by the member.”.

Sec. 3. Fiscal impact statement.

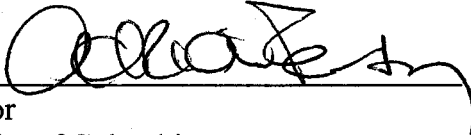
The Council adopts the April 1, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-445

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008

To order the closing of a public alley in Square 127, bounded by 17th Street, N.W., 18th Street, N.W., H Street, N.W., and I Street, N.W., in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 127, S.O. 07-1209, Act of 2008".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the public alley in Square 127, as shown on the Surveyor's plat filed under S.O. 07-1209, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the official file of S.O. 07-1209.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

Sec. 4. Fiscal impact statement.

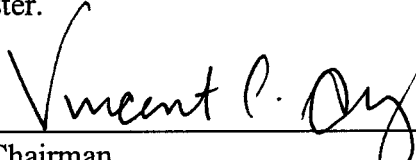
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

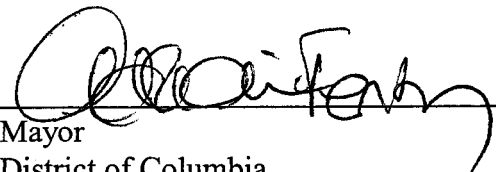
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-446

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008

To order the closing of public alleys in Squares 564, 566, and 568 bounded by E Street, N.W., 3rd Street, N.W., G Street, N.W., Massachusetts Avenue, N.W., 2nd Street, N.W., and F Street, N.W., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Public Alleys in Squares 564, 566, and 568, S.O. 07-122, Act of 2008".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the public alleys in Squares 564, 566, and 568, as shown on the Surveyor's plat filed under S.O. 07-122, are unnecessary for alley purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the official file of S.O. 07-122.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

Sec. 4. Fiscal impact statement.

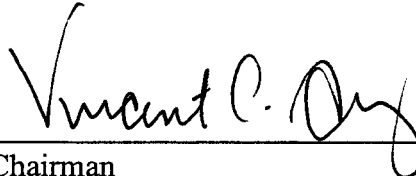
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

Sec. 5. Effective date.

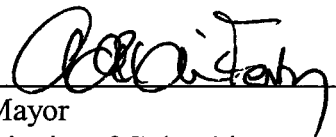
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-447

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend the Business Improvement Districts Act of 1996 to revise the tax rate for commercial properties and hotels.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Downtown BID Amendment Act of 2008".

Sec. 2. Section 201(c)(1) of the Business Improvement Districts Act of 1996, effective March 17, 2005 (D.C. Law 15-257; D.C. Official Code § 2-1215.51(c)(1)), is amended as follows:

Amend
§ 2-1215.51

(a) Subparagraph (A) is amended by striking the phrase "Fourteen cents" and inserting the phrase "The amount of \$.149835" in its place.

(b) Subparagraph (B) is amended by striking the phrase "Fourteen cents" and inserting the phrase "The amount of \$.149835" in its place.

(c) Subparagraph (C) is amended by striking the phrase "Sixty dollars" and inserting the phrase "The amount of \$74.215" in its place.

(d) Subparagraph (D) is amended by striking the phrase "Fourteen cents" and inserting the phrase "The amount of \$.149835" in its place.

Sec. 3. Applicability.

(a) Section 2(a), (b), and (d) shall apply as of October 1, 2007.

(b) Section 2(c) shall apply as of April 1, 2008.

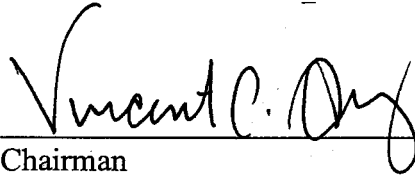
Sec. 4. Fiscal impact statement.

The Council adopts the June 30, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

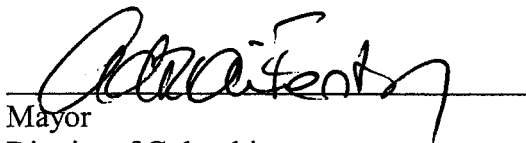
ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-448

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend, on a temporary basis, the Washington Convention Center Authority Act of 1994 to reinsert lease provisions for the new convention center hotel and to authorize an underground airspace lease in addition to vault permits; and to amend section 47-4609(b) of the District of Columbia Official Code to insert a phrase related to a tax exemption.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Convention Center Hotel Technical Amendments Temporary Amendment Act of 2008".

Sec. 2. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended as follows:

(a) Section 702 (D.C. Official Code § 10-1202.22) is amended by adding a new paragraph (6) to read as follows:

Note,
§ 10-1202.22

"(6) The lease may be subordinated to a leasehold mortgage securing development financing for the developer and may permit the issuance of a new lease upon foreclosure on the same terms and conditions as the prior lease."

(b) Section 703 (D.C. Official Code § 10-1202.23) is amended by adding new paragraphs (5) and (6) to read as follows:

Note,
§ 10-1202.23

"(5) Lease payments shall be payable from cash available after payment of the developer's debt service on a loan for the New Convention Center Hotel.

"(6) The lease may be subordinated to a leasehold mortgage securing development financing for the developer and may permit the issuance of a new lease upon foreclosure on the same terms and conditions as the prior lease."

(c) Section 704 (D.C. Official Code § 10-1202.24) is amended as follows:

Note,
§ 10-1202.24

(1) The section heading is amended by striking the period and inserting the phrase "or airspace lease." in its place.

(2) The text is amended as follows:

(A) Strike the word "permit" and insert the phrase "permit or lease" in its place.

(B) Strike the phrase "vault space" and insert the phrase "vault space or

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airspace" in its place.

(C) Strike the word "coterminous" and insert the phrase "and the District of Columbia Public Space Utilization Act, approved October 17, 1968 (82 Stat. 1166; D.C. Official Code § 10-1121.01 *et seq.*), coterminous" in its place.

Sec. 3. Section 47-4609(b) of the District of Columbia Official Code is amended by striking the period at the end and inserting the phrase "shall be exempt from the taxes imposed by §§ 42-1103 and 47-903." in its place.

Note,
§ 47-4609

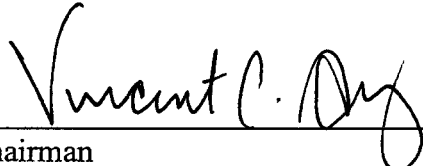
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated May 30, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

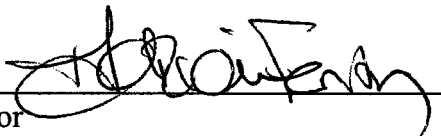
Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-449

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008

To amend, on a temporary basis, Title 31 of the District of Columbia Municipal Regulations to establish a specific penalty for taxicabs violating the restrictions of the Adams Morgan Taxicab Zone Pilot Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adams Morgan Taxicab Zone Enforcement Temporary Amendment Act of 2008".

Sec. 2. Subsection 825.1 of Title 31 of the District of Columbia Municipal Regulations (31 DCMR § 825.1) is amended by adding to the table, after the infraction for "**Speedometer or Odometer**," a new infraction to read as follows:

"Taxicab Zone

"Picking up during restricted hours,
except as directed by taxicab stand starter 75.00".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

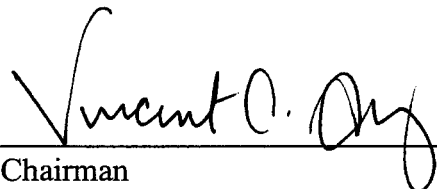
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

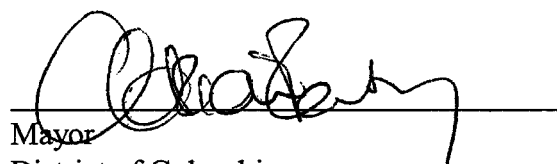
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
July 16, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-450

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 17, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To prohibit a person or entity from transmitting commercial electronic mail with false identifying information or false or misleading subject line information, or using a third party's Internet address, domain name, or identity without the third party's consent while attempting to make it appear that the third party was the sender of the message, to provide for civil relief for violating this act, and to authorize the Office of the Attorney General to pursue civil actions to enforce this act in accordance with D.C. Official Code § 28-3909.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Spam Deterrence Act of 2008".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Assist in the transmission" means actions taken by a person to procure, enable, finance, or otherwise actively support the transmission of a commercial electronic mail message by another person, if the person or entity providing the assistance knows or should have known that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any practice that violates this act. The term "assist in the transmission" shall not include activities of any person or entity related to the design, manufacture, or distribution of any technology, product, or component that has a commercially significant use other than to violate or circumvent this act.

(2) "Commercial electronic mail message" means an electronic mail message sent for the purpose of encouraging the purchase, rental of, or investment in, property, goods, intangibles, or services.

(3) "Electronic mail" means an electronic message or computer file containing an image of a message that is transmitted between 2 or more computers, electronic terminals, or cellular telephones, and includes electronic messages that are transmitted within or between computer networks.

(4) "Electronic mail service provider" means any entity that is an intermediary in sending or receiving electronic mail or that provides to end-users of electronic mail services

ENROLLED ORIGINAL

the ability to send or receive electronic mail.

(5) "Header information" means the source, destination, and routing information attached to an electronic mail message, including the originating domain name and originating electronic mail address, and any other information that appears in the line identifying, or purporting to identify, a person initiating the message.

Sec. 3. Prohibitions.

(a) A person or entity shall not:

(1) Transmit, or assist in the transmission of, a commercial electronic mail message that:

(A) Falsely identifies electronic mail transmission information, including header information, or other routing information; or

(B) Contains false or misleading information in the subject line; or

(2) Transmit, or assist in the transmission of, a commercial electronic mail message using a third party's Internet address, domain name, or identity without the third party's consent for the purpose of transmitting electronic mail in a manner that makes it appear that the third party was the sender of the message or that results in responses to the message being directed to the third party.

(b) The prohibitions contained in this section shall apply to any person or entity who transmits, or who assists in the transmission of, a commercial electronic mail message:

(1) From a computer located in the District of Columbia;

(2) To an electronic mail address held by a resident of the District of Columbia;

(3) To an electronic mail service provider with equipment or its principal place of business in the District of Columbia; or

(4) To a domain name registered to a resident of the District of Columbia.

Sec. 4. Civil relief; damages.

(a)(1) Any person or entity who receives an electronic mail message that violates a provision of this act, whose equipment is used in the transmission or receipt of such a message, or whose property or person is otherwise injured by reason of a violation of a provision of this act may seek recovery for any damages sustained and the costs of suit. For the purposes of this section, damages shall include the loss of profits.

(2) In addition to the relief provided in subsection (a) of this section, a person, other than an electronic mail service provider, shall also recover attorneys' fees and costs, and may recover, in addition to actual damages, liquidated damages of \$500 for each commercial electronic mail message transmitted in violation of this act or \$50,000 per day, whichever is less.

(3) In addition to the relief provided in subsection (a) of this section, an electronic mail service provider may also recover attorneys' fees and costs, and may elect, in addition to actual damages, to recover liquidated damages of \$100 for each commercial

ENROLLED ORIGINAL

electronic mail message transmitted in violation of this act or \$500,000 per day, whichever is less.

(b) At the request of any party to an action brought pursuant to this section, the court may, in its discretion, conduct all legal proceedings in such a way as to protect the secrecy and security of the computer, computer network, computer data, computer program, and computer software involved to prevent possible recurrence of the same or similar act by another person and to protect any trade secrets of any party.

(c) Nothing in this act shall be construed to:

(1) Require a provider of Internet access service to block, transmit, route, relay, handle, or store certain types of electronic mail messages;

(2) Prevent or limit, in any way, a provider of Internet access service from adopting a policy regarding commercial or other electronic mail, including a policy of declining to transmit certain types of electronic mail messages, or from enforcing such policy through technical means, through contract, or pursuant to any remedy available under any other provision of federal or District law; or

(3) Render lawful any such policy that is unlawful under any other provision of law.

(d) The Attorney General of the District of Columbia may enforce the provisions of this act pursuant to authority granted in D.C. Official Code § 28-3909.

Sec. 5. Fiscal impact statement.

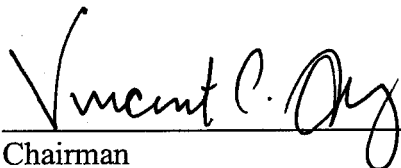
The Council adopts the June 27, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

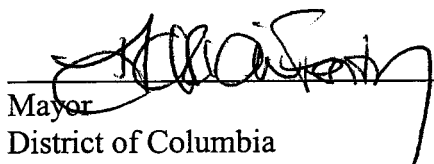
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 17. 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-451

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2008

To approve, on an emergency basis, a contract with BDC Construction, LLC, for repairs and renovations to schools accepting students from schools to be closed under the District of Columbia Public Schools school consolidation effort, and to authorize payment to BDC Construction, LLC, in the amount of \$3,197,949 for the services rendered under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "BDC Receiving School Contract Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves the BDC Receiving School Contract and authorizes payment to the BDC Construction, LLC, in the amount of \$3,197,949 for services rendered under that contract.

Sec. 3. Fiscal impact statement.

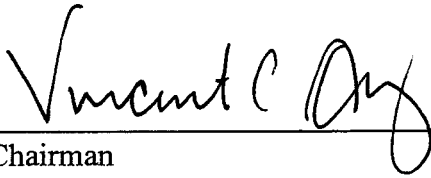
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

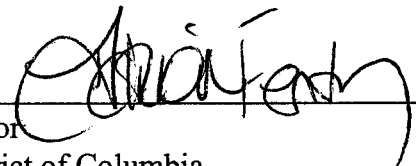
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 16, 2008